



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Adam Michael Fenne

Serial No. 09/428,395

Filed: October 28, 1999

For: **MATCHING OF A REDUCED
SPECTRUM LIGHTING
SOURCE WITH VIDEO
ENCODING PROGRAM
VARIABLES FOR INCREASED
DATA COMPRESSION
RATIOS**

Group Art: 2613

Examiner: Howard W. Britton

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner of the U.S. Patent and Trademark Office to withdraw the holding of abandonment on the above referenced application. Under *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), and MPEP § 711.03(c), Applicant's failure to receive an Office action may be considered in a petition to withdraw the holding of abandonment.

Applicant failed to receive a notice of allowance mailed by the U.S. Patent and Trademark Office on February 11, 2003, and requests that the holding of abandonment on the above referenced matter be removed in consideration of the remarks below.

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached hereto) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

June 23, 2003
Date of Deposit

Vicki L. Sizemore
Name of Person Mailing Paper

Vicki L. Sizemore
Signature of Person Mailing Paper

REMARKS

On December 19, 2002, Applicant timely filed a terminal disclaimer and response to an Office Action, mailed by the U.S. Patent and Trademark Office on October 3, 2002. A postcard was received from the U.S. Patent and Trademark Office on January 3, 2003, stamped December 27, 2002 by the P.T.O. See Exhibit 1, attached herein. The Office Action response was entered by our docketing manager, Mr. Kory Mingus, and a status check for the patent application was noted in the docket for December 19, 2003. See Exhibit 2, attached herein. A one-year status check after the filing of a response is standard procedure for our firm.

On June 2, 2003, at the request of the patent agent in charge of the application, Ms. Robin Clow of Howrey Simon spoke with Examiner Britton regarding the status of the application. Examiner Britton notified her that the application was allowed and a notice of allowance was mailed on February 11, 2003. Ms. Clow immediately spoke to several individuals at the U.S. Patent and Trademark Office, and on June 13, 2003, a notice of allowance was faxed to our office by Ms. Toni Hood in the Office of Publications. A thorough search of the file jacket and docket sheet uncovered no notice of allowance documents or entries. In addition, a search of our computer databases for routinely scanned material received by the U.S. Patent and Trademark Office turned up no documents for the instant application during the relevant period of time.

In light of the foregoing remarks, Applicant believes that he has made a good faith showing that the office action was not received. Applicant has also fulfilled the requirements under 37 C.F.R. § 1.181(f) by timely filing this petition within two weeks of receiving the faxed notice of allowance. In further support of his good faith showing, Applicant includes with this Petition a completed Issue Fee Transmittal and Issue Fee, which is fully responsive to the non-received notice of allowance.

Applicant believes that under MPEP § 711.03(c), no fee is due with this Petition. However, if any fees are required, the Commissioner is hereby authorized to charge our Deposit Account No. **08-3038**, referencing Docket No. 05742.0007.CPUS00. Withdrawal of the holding of abandonment, and entry of payment for the enclosed issue fee notification is respectfully requested.

Respectfully submitted,



William C. Rookridge, Reg. No. 31, 791

HOWREY SIMON ARNOLD & WHITE, LLP
301 Ravenswood Avenue, **Box No. 34**
Menlo Park, CA 94025
FAX No. (650) 463-8400
Telephone No. (949) 759-3904

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301 RAVENSWOOD AVENUE
BOX 34
MENLO PARK, CA 94025

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Howrey - SV



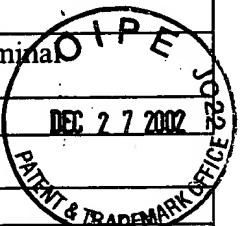
Please indicate receipt of the be)-identified paper:

PTO

<input type="checkbox"/> New Application For:	Utility	Priority Date:
<input type="checkbox"/> Foreign priority already claimed		Fee Amount: or any related fee not specified
<input type="checkbox"/> Continuation	<input type="checkbox"/> CIP	<input type="checkbox"/> Divisional CPA <input type="checkbox"/>
<input type="checkbox"/> Specification:		<input type="checkbox"/> Drawings:
<input checked="" type="checkbox"/> Response to Office Action Dated: 10/3/02		<input type="checkbox"/> Final Rejection
<input checked="" type="checkbox"/> Other: Transmittal Letter (2 pages); Submission of Formal Drawings; Formal Drawings; Terminal Disclaimer; and postcard		
<input type="checkbox"/> Assignment Enclosed	<input type="checkbox"/> Cert. of Timely Mailing	<input type="checkbox"/> Exp. Mail: DEC 27 2002

IDENTIFICATION OF APPLICATION

Serial No.: 09/428,395	Responsible Attorney: RCL
Title: MATCHING OF A REDUCED SPECTRUM LIGHTING SOURCE WITH VIDEO ENCODING PROGRAM VARIABLES FOR INCREASED DATA COMPRESSION RATIOS	
Applicant: Adam Michael Fenne	Entered By:
Client: Pixelon.com, Inc.	Firm File No.: 05742.0007.CPUS00
Mailed: 12/19/02	Filed: 10/28/99
Due Date:	



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Adam Michael Fenne

Application No.: 09/428,395

Filed: October 28, 1999

**For: MATCHING OF A REDUCED
SPECTRUM LIGHTING SOURCE
WITH VIDEO ENCODING PROGRAM
VARIABLES FOR INCREASED DATA
COMPRESSION RATIOS**

Art Unit: 2613

Examiner: Howard W. Britton

FILE COPY

TRANSMITTAL OF RESPONSE TO OFFICE ACTION

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

Applicant submits the following documents for appropriate action by the U.S. Patent and Trademark Office:

- Response to Office Action;
- Submission of Formal Drawings;
- Formal Drawings;
- Terminal Disclaimer; and

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached hereto) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

12/19, 2002
Date of Deposit

Robin L. Clow
Name of Person Mailing Paper
R. Clow
Signature of Person Mailing Paper

Return postcard.

The U.S. Patent and Trademark Office is hereby authorized to charge \$55.00, and charge any fee deficiency or credit any overpayment, to our Deposit Account No. **08-3038**, referencing Docket No. **05742.0007.CPUS00**.

Respectfully submitted,


William C. Rookridge, Reg. No. 31,791

HOWREY SIMON ARNOLD & WHITE, LLP
Box No. 34
301 Ravenswood Avenue
Menlo Park, CA 94025
Facsimile: (650) 463-8400
Telephone: (949) 759-2904

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Adam Michael Fenne

Serial No. 09/428,395

Filed: October 28, 1999

For: **MATCHING OF A REDUCED
SPECTRUM LIGHTING
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DATA COMPRESSION
RATIOS**

Group Art: 2613

Examiner: Howard W. Britton

RESPONSE TO OFFICE ACTION

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action mailed October 3, 2002, kindly enter the following remarks:

REMARKS

Claims 1-13 are pending in the instant application. Claims 9-13 have been allowed.

Claims 1-8 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of copending Application No. 09/351,618 (now U.S. Patent No. 6,470,048). The drawings were objected to as being informal.

CERTIFICATE OF MAILING
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12/19, 2002
Date of Deposit

Robin L. Clow
Name of Person Mailing Paper

R. Clow
Signature of Person Mailing Paper

All of the stated grounds of rejection have been rendered moot with the timely filing of a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c). In addition, formal drawings in accordance with 37 C.F.R. § 1.84 are herewith submitted to overcome the objections to the drawings. As such, the instant application is in condition for allowance. Prompt and favorable consideration of this Response is respectfully requested.

The U.S. Patent and Trademark Office is hereby authorized to charge \$55.00 for the Terminal Disclaimer Fee under 37 C.F.R. § 1.20(d), and charge any fee deficiency or credit any overpayment, to our Deposit Account No. **08-3038**, referencing Docket No.
05742.0007.CPUS00.

Respectfully submitted,

Date: December 18, 2002



William C. Rookridge, Reg. No. 31,791

HOWREY SIMON ARNOLD & WHITE, LLP
301 Ravenswood Avenue, Box No. 34
Menlo Park, CA 94025
FAX No. (650) 463-8400
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CASE RECORD LISTING

File No	05742.0007.CPUS00	Status Code	PEN
Old Matter Number		Country Code	US
Short Title	Matching of a Reduced Spectrum Lighting Source with Video Encoding Program Variables for Increased Data Compression Ratios	Case Type	CIP
Region	CALIFORNIA	Last Amended	
Location	IRVINE	Last Amended By	KMINGUS
Defendant (Opps)		Entity Size Ind	Small
Opposer (Opps)		CPA Reportable	Y
Language of Filing		Module	Patents

Base Reference	Date	Number
Application No. / Date	28 Oct 1999	09/428,395
Grant / Issue No. / Date		
Publication (early)		
Publication (post-examination)		

Role Type	Name
Inventor	Fenne Adam Michael
Client	Pixelon.com, a California corporation
Billing Attorney	Rooklidge William C.
Responsible Attorney	Rooklidge William C.
Action Person	Westin Lori P.

CASE RECORD LISTING

Diary Due Dates	Action	Comments	Completed Date
6/1/2003	Status of Filing Receipt	(orig d/l 5/5/02) Filing Receipt missing from transferred file; 8/20/02 - sent Client further req for power to obtain copy; 10/22/02 - spoke to Client re-md of Filing Receipt inst-client wil confer to determine costs; per RClow's 4/29/03 email inst - move 06/02/03 - per RClow talked w/Exam Britton - case allowed in February - Notice of Allowance sent on 2/11/03 & published 4/25/03	
12/19/2003	Status Office Action		
1/28/2000	Status of Missing Parts		12/1/1999
1/26/2000	Response to Missing Parts Due		1/20/2000
6/20/2002	Status of Revocation/POA	12/20/01 - filed Rev/POA & Change of Correspondence Address; 01/07/02 - rec'd Return Rev/POA Postcard date-stamped 12/20/01; 02/05/02 - rec'd Notice Re POA dated 1/7/02 - POA accepted	2/5/2002
7/13/2002	Status of Assignment Recordal	Pixelon to Dante due to a bankruptcy procedure re-submitted February 27, 2002 by Joel Voelzke; 05/10/02 - dted Notice of Recordation rec'd	5/10/2002
10/1/2002	Status of Patent Application	04/01/02 - left mess. w/ Ex. req. status of app.; 04/02/02 - Ex. left mess. con. that there are no outstanding OA (no action yet), Ex. says it will be 3-6 m. before OA is ready to be sent;	10/9/2002
1/9/2003	Status Check		10/9/2002
1/3/2003	Response to OA	10/09/02 - rec'd 3M Non-Final Office Action dted 10/3; 10/11/02 - sent Client copy of OA & req inst by 11/15/02; per LPW's 11/18 dkt - rec'd Client inst to file terminal disclaimer; 12/19/02 - filed Resp to OA; 12/19/02 - sent Client copy of Resp filed	12/19/2002
2/3/2003	Response to OA Extension 1	01/03/03 - rec'd Return Postcard dted 12/27/02	12/19/2002
3/3/2003	Response to OA Extension 2		12/19/2002
4/3/2003	Response to OA Final Deadline		12/19/2002

CASE RECORD LISTING**Abstract****Remarks**

Client No.: 17954-22
Examiner: George Bugg (703-305-2329)

12/20/01 - filed Rev/POA & Change of Correspondence Address; 01/07/02 - rec'd Return Rev/POA Postcard date-stamped 12/20/01; 02/04/02 - rec'd Notice of Non-Recordation dated 01/25/02 - 2-sided pgs not acceptable (Assignment from Pixelon to Dante re Bankruptcy sale also for 3NPUS00,4NPUS00,5NPUS00,6CPUS01,7CPUS00,8CPUS00,9CPUS00 & 09/351,028 - see 0006NPUS00 for docketing); 02/12/02 - rec'd Notice of Recordation dtd 1/26/02 - Reel/Frame: 012336/0853, Recordation Date: 12/03/01, Dante Pugliese to Pixelon.com, Inc.; per K. Cheatham - POA was rec'd and is in file;

Assignment Info (Bankruptcy Sale)
Reel/Frame: 012675/0337
Assignor: Pixelon, Inc.
Assignee: Dante Pugliese
Recordation Date: 02/27/02

Claims**Date Docketed:** 02 Jun 2003**DOCKETED BY:** _____**CHECKED BY:** _____